

Message

From: Amy Doll [adoll@endyna.com]
Sent: 6/5/2020 1:52:20 AM
To: Wood, Donald [Wood.Donald@epa.gov]; Knott, Steven [Knott.Steven@epa.gov]
Subject: More Comments about COI on SACC panel
Attachments: EPA-HQ-OPPT-2019-0501-DRAFT-0088-A1.pdf

The attached comment from U.S. Chamber of Commerce et al (currently numbered in FDMS: EPA-HQ-OPPT-2019-0501-DRAFT-0088) hits hard on COI concerns about three named members of SACC.

From: Amy Doll
Sent: Thursday, June 4, 2020 9:10 PM
To: 'Don Wood (Wood.Donald@epa.gov)' <Wood.Donald@epa.gov>; Knott, Steven <Knott.Steven@epa.gov>
Subject: Comments about COI on SACC panel

I just came across the second public comment submission that raises concerns about COI for members of SACC for Asbestos peer review. Sending you excerpts from the two that I've seen so far. If I find any other COI concerns, I'll send them too later.

Morse TEC LLC, currently numbered in FDMS: **EPA-HQ-OPPT-2019-0501-DRAFT-0083**

Excerpt:

In addition to the above remarks, Morse TEC also joins in the objection of the U.S. Chamber of Commerce to the inclusion of Drs. Steven Markowitz, Marty Kanarek, and Henry Anderson on the Toxic Substances Control Act Science Advisory Committee on Chemicals Peer Review panel for the Draft Risk Evaluation, as presently constituted, because of their financial conflicts of interest, the appearance of loss of impartiality, a lack of independence, and bias that should result in the disqualification of each of them from this panel. Drs. Markowitz, Kanarek, and Anderson are experts for plaintiffs in asbestos litigation and are paid significant amounts of money by plaintiffs to testify in asbestos personal injury cases. Drs. Markowitz and Anderson also have documented ties to the Asbestos Disease Awareness Organization, a lobbying group that advocates for the "need for a global asbestos ban." The Draft Risk Evaluation is thus not based on independent, unbiased current scientific information.

McDermott Will and Emery LLP, currently numbered in FDMS: **EPA-HQ-OPPT-2019-0501-DRAFT-0076**

Excerpt:

As noted by other commentators, we also point out that three members of the SACC (including ad hoc members) serve as plaintiffs' expert witnesses in asbestos litigation, including in cases alleging that exposure to brake linings manufactured using asbestos contributed to mesothelioma or lung cancer. None of these three are known to have done work for defendants in such litigation. To the best of our knowledge, none of the members of the SACC have accepted engagements from defendants in asbestos personal injury litigation.

The Agency made clear, early on, that individuals with any stake in the outcome of the risk assessment process would not be qualified to serve on the SACC. Given the clarity of the Agency's position, how these individual experts managed to avoid the Agency's screening process and be placed on the SACC is a serious question. In direct violation of the Agency's stated factors for SACC members, the facts here do not demonstrate the absence of conflicts of interest or appearance of loss of impartiality, independence with respect to the matters under review, and lack of bias.

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